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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,275	05/16/2002	Masahiro Serizawa	P/ 126-213	3300
<div>7590      11/02/2007</div> <div>STEVEN I. WEISBURD DICKSTEIN, SHAPIRO, MORIN &amp; OSHINSKY LLP 1177 AVENUE OF THE AMERICAS 4TH FLOOR NEW YORK, NY 10036-2714</div>				
			EXAMINER WOZNIAK, JAMES S	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 11/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/980,275

Applicant(s)

SERIZAWA ET AL.

Examiner

James S. Wozniak

Art Unit

2626

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-88.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 3. NOTE: The added limitation of smoothing according to information of whether a parameter was transmitted or not has not been previously recited in the embodiments of claims 37 and 60, and thus, would require further search and/or consideration. It is also noted that the claims amended to include a computer readable medium would overcome the previous 35 U.S.C. 101 rejection.


Continuation of 11. does NOT place the application in condition for allowance because: The prior position of record is maintained. The applicant's arguments with respect to the previous 35 U.S.C. 112, first paragraph rejection (Amendment, Pages 21-23) have been fully considered, but are not convincing. In response to such arguments see the examiner's response from 7/19/2007 (Prior OA, Pages 3-4).

In response to the applicant's arguments that gain is not a feature parameter representing spectral envelope characteristics (Pages 23-24), the examiner notes that gain is a parameter that contributes to spectral shape in a multiplication operation with an excitation signal (Prior OA, Pages 4-5), and thus, when the claim is given its broadest reasonable interpretation, reads on the generically recited "feature parameter representing spectral envelope characteristics". In Oshikiri et al (US 6,202,046), the smoothed gain is applied to the excitation signal, thus, effectively smoothing the excitation signal in the process (Col. 20, Lines 26-35). The applicant's further argument that the presence of perceptual weighting proves that gain is not a feature parameter representing spectral envelope characteristics is not convincing. Perceptual weighting is merely a well-known speech signal process that emphasizes peaks and deemphasizes valleys in a voice signal. The fact that a smoothed gain parameter smoothes an excitation signal is not contingent on the presence of such a process. Also, Oshikiri further recites that the smoothed gain parameter smoothes an excitation signal to prevent sudden changes in noise information (Col. 4, Lines 36-59). The applicant additionally relies on features in these arguments that are not claimed (i.e., formants, Amendment, Page 23). Thus, these arguments have been fully considered, but are not convincing.

In response to the applicant's argument that gain smoothing in Oshikiri is performed using a fixed constant (Amendment, Pages 24-25) and thus does not anticipate the applicant's claimed invention, the examiner points out that Oshikiri discloses that a degree of smoothing is controlled, thereby leading to a differently smoothing gain factor (Col. 4, Lines 54-59; and Col. 20, Lines 36-43). Also, since the gain factor is used to smooth an excitation signal, as is noted above, merely changing it with any type of smoothing coefficient would read on the recited claim language ("changes...a coefficient used to smooth at least one of the feature parameters"). The applicant further argues that the hangover period taught by Oshikiri does not teach the recited "elapsed time" (Amendment, Pages 25-26). In response to these arguments, the examiner points out that, as is noted above, the gain parameter is used to smooth an excitation signal. It is only changed using a smoothing factor after an elapsed time period from a voice to a voiceless period or "hangover" period (Col. 20, Lines 4-52; and Col. 16, Lines 8-39). Thus, Oshikiri's hangover period processing reads on the claimed invention because the gain parameter is only smoothed in a noise period that is verified after an elapsed "hangover" period (Col. 4, Lines 36-59) (see also the previous office action, where it was pointed out that a speech decision is part of a decoder demux). Thus, these arguments have been fully considered, but are not convincing.

Applicant's argument with respect to the weighted sum operation relies on features that are not claimed (i.e., the unequal weighting among different elements, Amendment, Pages 27-28), and thus, are not convincing.

The remainder of the applicant's arguments are similar to those addressed above. In regards to such arguments, see the above response

  
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